

REMARKS

Applicant has filed a Request for Continued Examination concurrent with this Amendment and respectfully requests reconsideration of this application, and reconsideration of the Office Actions dated May 6, 2004 and August 18, 2004. Upon entry of this Amendment, claims 1-7, 10-16, 19-22 and 43-46 will be pending in this application. The changes to the claims are supported by the specification and original claims. No new matter is incorporated by this Amendment.

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Claims 1-7, 10-16, 19-22 and 43-46 are rejected under 35 U.S.C. § 102(b) as anticipated by Tylec (U.S. Pat. No. 5,452,027). Applicant respectfully traverses.

The present invention concerns an optical lens, an optical device employing the lens, and a method of manufacturing an optical lens. The lens of independent claim 1 (from which claims 2-7, 19-22 and 43-46 depend) includes a marking formed on a surface entirely outside an effective area of the lens to distinguish between a surface and a back of the lens. The manufacturing method of independent claim 10 (from which claims 11-16 depend) includes a step of entirely forming a marking on a surface outside an effective area of the lens to distinguish between a surface and a back of the lens.

In the Advisory Action, it was asserted, "Tylec discloses eyeglass lens with indicia and method of making the same which comprises a marking (20a) formed on surface padially [sic] outside an elective area of the lens to distinguish between a surface and a back of the lens." However, those of ordinary skill in the art of manufacturing of lenses for optical instruments would not have considered the occluders of Tylec to be entirely outside an effective area of the lens. This is because the Tylec patent pertains to an eyeglass lens and all of an eyeglass is within a wearer's field of view such that the "effective area" of the eyeglass lens is the entire lens. Tylec actually teaches that the occluders are in the "effective area" on column 4, lines 65-66 which states, "Occluders 20a and 20b should be

large enough to disrupt the image forming process of the eye.” To the contrary, the claims, as amended, recite, “a marking formed on a surface entirely outside an effective area of the lens to distinguish between a surface and a back of the lens.” As explained in Applicant’s last Amendment, page 21 of the specification details that an “effective area” of the lens is for transmitting light (for example, light that is produced by a laser). For these reasons, Applicants submit that Tylec fails to teach or fairly suggest every feature of independent claims 1 and 10, and therefore Tylec cannot anticipate the claimed invention.

In view of the above remarks, Applicant respectfully submits that the rejection is overcome. Hence, reconsideration and withdrawal of this rejection is requested.

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Applicant respectfully submits that this Amendment and the above remarks obviate the outstanding objection and rejection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033216.068.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033216.068.

Respectfully submitted,
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